

DAVID J. VAN HAVERMAAT, Cal Bar No. 175761
Email: vanhavermaatd@sec.gov
LYNN M. DEAN, Cal. Bar No. 205562
Email: deanl@sec.gov

Attorneys for Plaintiff
Securities and Exchange Commission
Michele Wein Layne, Co-Acting Regional Director
John W. Berry, Regional Trial Counsel
5670 Wilshire Boulevard, 11th Floor
Los Angeles, California 90036-3648
Telephone: (323) 965-3998
Facsimile: (323) 965-3908

**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JUPITER GROUP CAPITAL ADVISORS
LLC, a Delaware limited liability
company, and RICK CHO, an individual,

Defendants.

Case No. CV11-00291 LEK (RLP)

**FINAL JUDGMENT AS TO
DEFENDANT JUPITER GROUP
CAPITAL ADVISORS LLC**

THE SECURITIES AND EXCHANGE COMMISSION HAVING FILED A COMPLAINT
AND DEFENDANT JUPITER GROUP CAPITAL ADVISORS LLC (“DEFENDANT”)
HAVING ENTERED A GENERAL APPEARANCE; CONSENTED TO THE COURT’S
JURISDICTION OVER DEFENDANT AND THE SUBJECT MATTER OF THIS ACTION;
CONSENTED TO ENTRY OF THIS FINAL JUDGMENT WITHOUT ADMITTING OR DENYING
THE ALLEGATIONS OF THE COMPLAINT (EXCEPT AS TO JURISDICTION); WAIVED
FINDINGS OF FACT AND CONCLUSIONS OF LAW; AND WAIVED ANY RIGHT TO APPEAL
FROM THIS FINAL JUDGMENT:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from, directly or indirectly, by use of the mails or any means or instrumentality of interstate commerce, registering as an investment adviser under Section 203 of the Investment Advisers Act of 1940 ("Advisers Act"), 15 U.S.C. § 80b-3a, unless the investment adviser has assets under management of greater than \$25,000,000, or such higher amount as the Commission may by rule deem appropriate, in accordance with Section 203A of the Advisers Act.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from, directly or indirectly, by use of the mails or any means or instrumentality of interstate commerce, failing to make available for reasonable periodic, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest or for the protection of investors, certain records that an investment adviser is required to maintain in accordance with Section 204 of the Advisers Act, 15 U.S.C. § 80b-4.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final

Judgment by personal service or otherwise are permanently restrained and enjoined from, directly or indirectly, by use of the mails or any means or instrumentality of interstate commerce, from willfully making any untrue statement of a material fact in any registration application or report filed with the Commission under Sections 203 or 204 of the Advisers Act, 15 U.S.C. § 80b-3 or 80b-4, or willfully omitting to state in any such application or report any material fact which is required to be stated therein in accordance with Section 207 of the Advisers Act, 15 U.S.C. § 80b-7.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty in the amount of \$40,000.00 to the Securities and Exchange Commission pursuant to Section 209 of the Advisers Act, 15 U.S.C. § 80b-9. Defendant shall make this payment within 14 days after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center

Accounts Receivable Branch

6500 South MacArthur Boulevard

Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Rick Cho as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendant Jupiter Group Capital Advisors LLC to Entry of Final Judgment is incorporated herein with the same force and effect as if set forth herein, and Defendant shall comply with all of the undertakings and agreements set forth therein.

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

IT IS SO ORDERED.

DATED: September 26, 2012.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

Presented by:

/s/ Lynn M. Dean
Lynn M. Dean
Attorney for Plaintiff
Securities and Exchange Commission